

Authority: Item ,
Report (PED20093(a))
CM:
Ward: 13

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations in Dundas

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That **SECTION 3: DEFINITIONS** be amended by deleting the following Subsections:
 - i) Subsection 3.2.1 – Accessory Apartment
 - ii) Subsection 3.2.21 – Dwelling, Converted
2. That **SECTION 6: GENERAL REGULATIONS** be amended to include the following new subsection:

“6.31 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED

 - i) Notwithstanding Subsections 3.2.1 and 3.2.21 and for the purposes of **SECTION 6.31 - SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**, the following definitions shall apply:
 - a) **Ditch** means a small to moderate excavation created to channel water.
 - b) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

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- c) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - d) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - e) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - f) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- ii) Notwithstanding Sections 6.2, 8.1.4.1, 9.1.4, 10.1.6, 10A1.2, 11.1.9.1, 11A.1.3, 12.1.6, a Secondary Dwelling Unit – Detached shall not be considered as an accessory building or structure.
 - iii) Section 6.16 shall not apply to a Secondary Dwelling Unit – Detached.
 - iv) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - v) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - vi) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - vii) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
 - viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.

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- ix) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- x) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one o Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- xi) Parking shall be provided in accordance with Section 7 of this by-law.
- xii) Notwithstanding Section 7.1.1, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached, may be provided in the required front yard in accordance with Section 7 of this by-law.
- xiii) Notwithstanding Section 7.9.2, permeable pavers may also be permitted and maintained.
- xiv) Landscaping in the front yard shall be provided in accordance with Section 6.11.3.
 - (a) Notwithstanding 6.31xv), landscaping shall also be provided in the Flankage Yard.
- xv) Encroachments in the Front and Flankage Yards identified in Section 6.31 xv) shall be subject to Section 6.6.
- xvi) Notwithstanding Section 6.31xv), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (a) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (b) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
- xvii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,

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- xviii) Notwithstanding Section 6.31 xiii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- xix) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- xx) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- xxi) There shall be no outside stairway above the first floor other than an required exterior exit.
- xxii) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- xxiii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - a) A landscaped area of 8.0 sq m for each dwelling unit less than 50 sq m; and,
 - b) An landscaped area of 12.0 m for each dwelling unit 50 sq m or more.
- xxiv) A Secondary Dwelling Unit shall not be permitted in a ditch or swale.

6.31.1 Regulations for Secondary Dwelling Unit – Detached

- i) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - a) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

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- b) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.31 ii), v), vii) to xix), xxi), and xxiii) and Subsections 6.31.1 ii) of this Zoning By-law;
- ii) A Secondary Dwelling Unit – Detached in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone shall be subject to the following provisions:
- a) An eave or gutter of any Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
 - b) A minimum 1.2 m interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - c) A minimum 1.2 m Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - d) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
 - e) A maximum height of 6.0 m shall be permitted.
 - f) The maximum gross floor area shall not exceed the lesser of 75 sq m or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - i) For the purpose of this regulation, a Gross Floor Area shall not exclude cellar or subcellar and car parking areas.
 - g) A minimum distance of 7.5 m shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - h) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard,

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- i) a minimum distance of 4.0 m shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 m from the front façade of the principal dwelling.
- i) The maximum lot coverage of all Accessory Buildings and Secondary Dwelling Unit - detached shall be 25% of the total lot area.
 - j) A maximum distance of 40.0 m from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 - k) An unobstructed path with a minimum 1.0 m width and minimum 2.1 metres m clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - l) Balconies and rooftop patios are prohibited above the first storey.
 - m) Each of the landscaped areas in Subsection 6.31xxiii) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
3. That **Section 7: OFF – STREET PARKING AND LOADING** be amended by deleting Subsection 7.12.1.10 – Dwelling, Converted and replaced with the following new clause:

Secondary Dwelling Unit 1 space per unit

4. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** be amended as follows:

4.1 By deleting Subsection 8.1.5 – One ACCESSORY APARTMENT.

4.2 Adding a new Subsection as follows:

“REGULATIONS
FOR SECONDARY
DWELLING UNITS

8.8

REGULATIONS FOR SECONDARY DWELLING UNITS

8.8.1 The use shall comply with the provisions of Section 4.33.”

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5. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** be amended as follows:

5.1 By deleting Subsection 9.1.5 – One ACCESSORY APARTMENT.

5.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 9.8 **REGULATIONS FOR SECONDARY DWELLING UNITS**

9.8.1 The use shall comply with the provisions of Section 4.33.”

6. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** be amended as follows:

6.1 By deleting Subsection 10.1.7 – One ACCESSORY APARTMENT.

6.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 10.10 **REGULATIONS FOR SECONDARY DWELLING UNITS**

10.10.1 The use shall comply with the provisions of Section 4.33.”

7. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 10A.6 **REGULATIONS FOR SECONDARY DWELLING UNITS**

10A.6.1 The use shall comply with the provisions of Section 4.33.”

8. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** be amended as follows:

8.1 By deleting Subsection 11.1.10 – One ACCESSORY APARTMENT.

8.2 Adding a new Subsection as follows:

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“REGULATIONS FOR SECONDARY DWELLING UNITS 11.12 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11.12.1 The use shall comply with the provisions of Section 4.33.”

9. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 11A.7 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11A.7.1 The use shall comply with the provisions of Section 4.33.”

10. That **SECTION 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 12.9 **REGULATIONS FOR SECONDARY DWELLING UNITS**

12.9.1 The use shall comply with the provisions of Section 4.33.”

11. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** be amended as

11.1 By deleting Subsection 15A.1.8 – One ACCESSORY APARTMENT.

11.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 15A.11 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15A.11.1 The use shall comply with the provisions of Section 4.33.”

12. That **SECTION 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1)** be amended as follows:

12.1 By deleting Subsection 15B.1.3 – One ACCESSORY APARTMENT.

12.2 Adding a new Subsection as follows:

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“REGULATIONS
FOR SECONDARY
DWELLING UNITS

15B.5 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15B.5.1 The use shall comply with the provisions of Section 4.33.”

13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

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Regulations**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the
Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 13 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

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